

## **Government White Paper - Planning for the Future**

Redditch Borough Council welcomes the publication of the White paper and supports the main theme of simplifying and speeding up the UK planning system. Below we have commented in turn on the 24 proposals, and hope this response assists MHCLG in progressing these reform over the coming months.

### **Pillar One – Planning for Development**

#### **1. The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.**

1.1 We note with interest, the proposal for Local Plans to identify just three types of land, but understandably as this is only a white paper, the finer details which will follow in due course will be also of significant interest to the Council.

1.2 For Growth areas – the definition of substantial will be important. Whilst we understand that this will be defined in policy through the revised NPPF, the local view of substantial development can vary greatly dependent on the context and location in the country. Will size thresholds be set to define the difference between acceptable levels of development in growth areas versus renewal areas, or will there be a difference between greenfield and brownfield areas? Alongside the intention that growth areas will be for substantial development, there will inevitably be smaller scale and more routine development taking place. Therefore will further thresholds be set within growth areas as to what scale of development does or does not require further environmental assessment or reserved matters applications?

1.3 For Renewal areas, it is stated that these “could include... ..development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages”. For a district such as Redditch which has significant Green Belt, does this mean that small villages currently washed over by the Green Belt would need to be removed from it to allow any development at these locations? Removing such small villages from the Green Belt to allow some infill development may have unintended consequences. The specific suggestion that authorities can consider the case for resisting inappropriate

development of residential gardens seems at odds with the intention for renewal areas to include “gentle densification and infill of residential areas”. In many of our rural settlements, existing homes stand in large plots where additional development can be accommodated without overdeveloping the site. This is an area where a local policy approach is needed to determine where precisely garden or back-land development should be restricted.

1.4 For Protected areas – further detail will be needed as to what types of development will be restricted. Consultation on the draft revised NPPF will be essential so that we can respond to the specific types of development which are proposed to be restricted and those which will be permissible. We would suggest that the title of this area gives the public an incorrect impression that no development can take place because the area is ‘protected’ and we suggest that an alternative name, such as ‘Restricted area’ is considered. A wider point is whether authorities will still be able to review their Green Belt boundaries through their Local Plans. It is difficult to see how housing need can be met locally without this, but clarity on this is needed. Furthermore, if Green Belt boundaries are still to endure beyond the plan period, we need further guidance on the approach to safeguarded land, particularly given that Local Plans will now be subject to more frequent reviews.

1.5 We note the specific proposal to allow sub-areas to be created within Growth areas which are specifically for self and custom-build homes, and the related requirement for local authorities to identify enough land to meet the requirements identified on their registers. If these sub-areas for self build homes are only appropriate in Growth areas, what does this mean for areas that could feasibly have no Growth areas, because of the existence of land constraints designating them as areas to be Protected? How will the demand for self-build homes be met in such areas? Also, from our experience, those who wish to build their own homes often envisage doing this in a rural or semi-rural setting. Can these aspirations be met within Growth areas? Additionally, if only certain land within a Growth area is to be designated for self-build homes, how will land value and transactional issues play out if other parcels of land are designated for higher value land uses such as open market residential?

1.6 Regarding the alternative options – if Renewal areas are deemed ‘suitable for development’ it may be appropriate to extend the grant of outline planning permission for the principle of development for certain uses in these areas.

## **2. Development management policies established at national scale and an altered role for Local Plans.**

2.1 We recognise that there can currently be unnecessary repetition of national policies in Local Plans, however, often policies within the NPPF are open to wide ranging interpretation and sparse in detail, and need expansion to be useable at the local level. To limit development management policies to site or area-specific requirements in the proposed Growth and Renewal areas is concerning to Green Belt authorities such as Redditch, where there is limited scope for such areas. The suggestion here is that there would be no locally specific development management policies to guide limited appropriate development within the Green Belt.

2.2 Under this proposal policy wording in the NPPF needs to be detailed and clear. The Government is no doubt aware of the number of planning appeals, High Court and Court of Appeal cases where the wording of the NPPF is dissected and analysed in great deal given the numerous ways it can be interpreted. If national policies are to be solely relied upon to determine the majority of 'routine' planning applications outside of specific sites or areas, then further detail will need to be added to current policies to avoid excessive amounts of appeals.

2.3 We are supportive of the move to a more design focused role for Local Planning Authorities although additional training and support will be needed to retrain local government planning professionals to enable them to perform their new function. We do have some concerns about the suggestion that the production of design guides and codes be twin-tracked alongside the Local Plan production process. With new Local Plans to be light on detail, the benefits of having design guides in place at or close to Local Plan adoption are apparent. However, this will place additional demands on the limited resources of local planning authorities and may not be achievable in practice. The situation can be foreseen where the Local Plan is adopted and design guides/codes follow some months afterwards when their production can be properly resourced, leaving a vacuum on the detailed requirements for allocated sites. We support the intention that neighbourhoods will play a crucial role in producing design codes and guides for their communities, although this will require assistance from and liaison with the local authority, which will need to be resourced. We also support the suggestion to make plans more visual and engaging, which is something we endeavoured to do with our High Quality Design SPD.

2.4 The proposals to make development management policies and code requirements machine readable is an interesting concept. The prospect of using digital services to automatically screen developments should not be done, at the expense of a planning officer using professional knowledge and experience from the planning process to make the final

decision on an application. The aim of “enabling automation of more binary considerations” would appear to remove application of planning judgement in the planning process. Even the smallest and seemingly least controversial planning application can require negotiations and the need for revised plans. There is rarely a straightforward yes or no, or ‘binary’ answer. With the proposed introduction of national development management policies and local design codes, it may be possible for planning professionals to process planning applications more efficiently, but we would not support and advise against a system where the human and professional input and oversight is removed from the decision making process on planning applications.

2.5 We are supportive of the alternative options suggested under this Proposal. Allowing local authorities to continue to have local development management policies but removing any duplication of the NPPF would be a sensible change to the current system.

**3. Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.**

3.1 We welcome the proposal to streamline the existing tests of soundness. Given that it is proposed that an assessment of Local Plan deliverability would be just one element to be incorporated into the single test, it is envisaged that the ‘single’ test would in fact be multifaceted. If Local Plans are to be devoid of development management policies setting local standards, the viability of the Local Plan would hinge on the proposals in Growth and Renewal areas, which could be diverse and varied. Therefore viability assessments could be more complex, having to take account of differing proposals and standards across these growth and renewal areas. However, until further detail of this single test is known, it is difficult to draw a full conclusion.

3.2 The specific proposal to remove the Duty to Cooperate is welcomed. Our experience has found the duty in some instances to be a totally ineffective mechanism in planning across local authority borders, particularly where there are multiple authorities involved. Recent well documented cases across the country (examples include St Albans, Wealdon, Sevenoaks) serve to highlight that the duty to cooperate is failing and is in need of wholesale changes. However, we are concerned about the lack of detail on what would replace the Duty to Cooperate. What would enable local authorities to plan effectively across administrative boundaries and to collaborate to provide local infrastructure? Reference is made to digital Local Plans helping LPAs to engage with cross-boundary issues but it is unclear how having Local Plans on websites will help difficult issues to be resolved.

Ultimately, dialogue between authorities will be required and without a framework or forum to work within to structure this dialogue, it is difficult to see how progress and agreements will be made. The proposal for housing requirements to be determined centrally, taking into account known constraints and for them to be binding on local authorities may remove the situation where there is unmet need from neighbouring areas to be apportioned and accommodated. However, until further details on which land constraints are to be factored in, and how this will impact on the local housing need derived from the standard methodology it is impossible to conclude that this will be the case. It is hard to envisage a scenario where all housing needs can be met locally and there is no need to export requirements to other areas which may be better placed to assist. Therefore an alternative mechanism for dealing with cross-boundary issues needs to be considered and included in the planning reforms.

3.3 The specific proposal to abolish the Sustainability Appraisal system is welcomed, given that the current process is cumbersome, repetitive and inaccessible to a lay-person. However once again, until more detail is known about the replacement simplified process for assessing the environmental impact of plans, it is impossible to comment much further. As highlighted below in response to Proposal 16, this simplified replacement still needs to robustly examine the social, environmental and economic impacts of the Local Plan and associated documentation.

3.4 The alternative proposal of using reserve sites to ensure delivery takes place is a possible welcomed addition to allow for a added flexibility in the process where sites have stalled. It allows for a short term solution rather than waiting for a plan review and will help delivery of housing continue.

**4. A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

4.1 We remain supportive of the move to the standard method to determining housing need as it has removed the ambiguity, expense and time involved in preparing the local authority led objectively assessed housing need under the previous arrangement. We are cautiously supportive of the move to a standard housing requirement which would be binding on local authorities, as this would further remove an area of challenge which causes delays

to plan production. However, the biggest unknown is how land constraints will be factored into the binding requirement. For areas such as Redditch with considerable amounts of Green Belt, this could alter the local housing need figure substantially, but until the precise weighting of the various land constraints is known, it is impossible to plan confidently for the future. There is also concern as to how affordability issues can be addressed locally if supply is to be restricted from fully addressing local housing need through the imposition of a land constraint factor.

4.2 We are concerned about the lack of guidance on planning for other development needs, most notably economic growth and question when further advice will be given on this area. There is a close relationship between economic growth and housing need and therefore it is important that there is a link between the standard method and resultant housing requirement and the amount of land to be provided for economic development.

4.3 We note the standard method is proposed to be a means of distributing the national housebuilding target of 300,000 homes annually, but would question the underlying evidence for this target which was set in 2017. Given revised population and household projections projection have been released since the announcement of this target, it should be revisited to properly reflect latest figures and hence be linked to the most up to date evidence.

4.4 Much more detail is needed on the proposal that joint planning arrangements could be used to agree an alternative distribution of housing requirements. Although reference is made to the role of Mayors in combined authority areas, there is no further detail on the process of distributing and agreeing a reassignment of housing in non-Mayoral or combined authority areas. This follows on from the comments made above regarding the void in guidance the proposed removal of the duty to cooperate will create.

4.5 We do not support the proposal to retain the Housing Delivery Test as this would seem unnecessary if the local authority has already had to prove that the sites included within the Local Plan are deliverable. Government should instead be looking to the housebuilders and the development industry for assurances that sites will come forward in a timely manner, with the ability to penalise them where these assurances are not met. Our authority has ongoing issues with the current Housing Delivery Test which we have taken up with the MHCLG and we are still awaiting a satisfactory solution.

**5. Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.**

5.1 The proposal to remove the need to apply for outline planning permission if any area was already identified for development would be welcomed especially if the principle had already been established. Often, if a site is already allocated for development, an outline planning application can attract significant public comment relating to the principle of the development and therefore give the public a false sense that they can influence whether the development goes ahead or not.

5.2 Under these reforms the council is concerned that the detail that would have been submitted to support an outline planning permission will now be submitted to promote a site for inclusion in the local plan process, as developers will be keen to demonstrate as fully as possible the credentials of their site. This is potentially a huge amount of evidence for planning authorities to consider when allocating sites, albeit with a much-reduced timescale by which to operate i.e. with in the 30 months. Similarly, this information may then have to be distilled into an allocation policy for the growth area to ensure that when the final permission is granted there is enough detail to ensure the development proceeds as planned. If this process is repeated for all growth areas, local plans could end up being reduced to a list of very detailed allocations policies, and not the short succinct easy to read documents the white paper is striving to achieve

5.3 By the time a site is allocated for development the focus needs to be on the detailed technical matters. Therefore the council would be keen to ensure that whatever method is chosen, the ability to shape the design and deal with site specific matters such as ecology/land contamination/highways etc should not be diminished.

5.4 With respect to renewal areas any move towards using a 'prior approval' type of process would be met with caution. Whilst under current legislation this has been intended to be a 'light touch' process it has, in many cases, caused a number of issues. High Court challenges have been required in order to provide clarity on the wording of such legislation, amendments to the legislation have been required in order to make development meet basic amenity standards. The submission of an application, and the subsequent consultation procedure has given the public the impression that they are able to influence the outcome of the application with respect to the principle of the development, when this is not the case. It

would therefore be necessary to give some serious consideration as to how a prior approval process for renewal areas would operate.

5.5 The use of a faster planning application process for renewal areas, whilst not necessarily an issue in principle, requires some further details as it is not clear how a proposal could be determined based on the context of the Local Plan description and the National Planning Policy Framework alone.

## **6. Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.**

6.1 With respect to the firm deadlines of 8/13 weeks it is a concern that the White Paper implies that the extension of time provisions will be removed from legislation. Prior to extensions of time existing it could often be the case that an applicant was forced to withdraw their application late in the day or face a refusal of permission in order to make a decision within the 8/13 weeks. A resubmitted application would then be made to resolve the outstanding matters which results in wasted time and expense for the applicant and local authority as well as ultimately delaying development. The extension of time provisions allow what are often modest extensions to the 8/13 weeks in order to resolve technical matters and largely lead to approval of planning permission. Removing this provision would almost certainly mean decisions are made more quickly but not necessarily with a positive outcome which would seem counterproductive.

6.2 Any mechanism to front load the system to ensure accurate and adequate information is supplied at the submission of a planning application would be welcomed. The current requirement to only submit sufficient information to describe the development proposed is often sufficient for simple applications, however in the case of more complex proposals or those which fall within the Green Belt it is often the case that further discussion/information is required from the applicant in order to inform the decision making process which can extend the time taken to make a decision on applications.

6.3 The proposals for clearer planning conditions, streamlined approach to developer contributions and the delegation of detailed matters for consideration to officers is welcomed.

6.4 With respect to an incentive to determine applications within the statutory time limits, the issues that arise relating to this matter have been outlined above – whilst it may lead to a timely determination of applications, this may not be a positive determination. These



proposals also do not sit comfortably with the requirement to work in a positive and proactive manner in order to seek problems to solutions as currently required by the DMPO.

**7. Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.**

7.1 The Council agrees with the above statement that there should be a requirement for Local Plans to be visual and map based. Many Local Authorities already have a digital map-based system in place which works well and doesn't require any extra training or resources. There should also be an alternative option for people to be involved in the Local Plan and consultation process. We need to be inclusive to all groups of society and ensure that for those that struggle to use the technology there are other options to engage in the planning process

7.2 Going interactive with planning applications such as architect's drawings could be a move in the right direction for development management, but there is still a need for actual documents to be able to be in order to ensure decision making is clear and accountable.

7.3 Planning for beautiful and sustainable places (Pillar Two of the White Paper) requires human judgement, so cautious use of technology to aid the human process of decision making is one which the council supports.

**8. Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

8.1 We have considered the proposals to reform the Local Plan production process and to meet a statutory timetable for key stages of the process. Whilst we welcome the intention to simplify and shorten the plan-making process, we have a number of concerns about the proposed reforms.

8.2 Stage 1 - We are unsure how we will achieve meaningful public engagement in Stage 1. We know through experience that the majority of developer-led sites are submitted to us late in the call for sites process, leaving very limited time in this short 6 month stage to 'shape' the plan with public involvement. Also in the early stages of plan making it is harder to engage with the public as very often the fact that people want to know is what is happening near them, if we are doing the early engagement without this information it's likely to

generate confusion and apathy with the public rather than a feeling of meaningful engagement.

8.3 Stage 2 - 12 months seems like a very limited timescale for producing 'any necessary evidence' and using it to inform and justify the Plan. Further information is needed as to what is considered as 'necessary evidence' for new style Local Plans, and how it differs from the data that is promoted to underpin plan-making and decision-taking in the early paragraphs of the White Paper.

8.4 Stage 3 – We are concerned that the level of public engagement at this critical stage seems restricted, especially given as this 'transparent and engaging' process will limit consultation at the decision-taking stage. This would be the first time the public will see a full plan on which to comment, its likely that as much as there undoubtedly be objections to the proposals in the plan, there will also simply be many questions about the plan which aren't necessarily objections. A key element of the preferred option process we currently undergo allows the Council to answer these questions and where possible positively address objections. Would it now be solely the role of the planning inspectorate to resolve those issues? Reference is also made to 'best in class' public involvement but we are uncertain this can be achieved if the public are limited to the number of words they can submit. This stage also seems to overlook the complexity of public engagement at this important stage in plan production, plus there is no time allocation given to processing, summarising and responding to the large volumes of responses that are envisaged.

8.5 Stage 4 – We would question why the examination period is within the statutory 30 month time period for production of the Local Plan, when this is outside of the control of the Local Authority. Resourcing at the Planning Inspectorate could delay the examination process and we would not want to see local authorities penalised for missing deadlines for something beyond their control. Instead, we would propose a timetable for Local Plan production which culminates in the Submission of the Local Plan.

8.6 We do not support the alternative option removing the 'right to be heard' at examination as this would stymie public involvement even further and be directly opposed to the 'best in class' public involvement which is being promoted for the other plan making stages.

8.7 We would emphasise the need for local planning departments to be properly resourced if they are to meet this extremely ambitious Local Plan production timetable. The

additional demands on Local Plan production, coupled with the reforms to funding under Proposal 23 do not tally, particularly when considered alongside the need for Local Plans are to be reviewed at least every 5 years. Local authorities need certainty of funding so that they are fully resourced to positively and proactively plan for the future of the area they represent.

## **9. Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

9.1 We agree that Neighbourhood plans should be retained. Engagement with Neighbourhood Planning groups is something that is already done. Most authorities will have a good relationship with Neighbourhood planning groups which should be continued, and if possible strengthened by using modern technology to help produce neighbourhood plans as well.

## **10. A stronger emphasis on build out through planning.**

10.1 Proposal 10 responds to the need to speed up the delivery of development, particularly within the proposed Growth Areas. We concur that there is a need to improve the build out rates of development, particularly on large sites and highlight the wealth of research in this area (for example, [LGA – Speeding up delivery, 2018](#)). This research emphasises that planning is not a barrier to building, but there are issues of unimplemented planning permissions, land banking and slow build out rates.

10.2 Whilst the proposal to include a variety of development types by different builders on a site to allow multiple phases to come forward together has good intentions, we struggle to see how it will work in practice. How will this be controlled through the planning process? If a large site is under a single ownership and one developer has an option on that site, what is the mechanism to get multiple developers on site? We are also aware that housebuilders would not want to flood the market with new homes in a single area. More often, their approach is to limit supply, thereby increasing demand and helping them to achieve the sales values they have planned for.

10.3 The suggestion that masterplans and design codes will be the mechanism to deliver the requirement for multiple developers on a single site needs further consideration, particularly if the design code is to follow the allocation of the site in the Local Plan. Under Proposal 2 it is stated that design codes could be prepared as supplementary planning

documents. Under this scenario it is difficult to see how the number of developers on a site could be specified and enforced by the Local Planning Authority.

10.4 The White Paper makes no reference to the other tools that could be used to speed up delivery. The LGA's 2018 research refers to compulsory purchase powers as one option available to local authorities in extreme cases to get stalled sites moving. It should be made easier for Councils to use CPO powers to get development started on difficult sites, including the ability to cap land values and use the uplift to forward-fund infrastructure. This ties in with one of the key recommendations from the 2018 Letwin Review.

## **Pillar Two - Planning for beautiful and sustainable places**

**11. To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

11.1 Page 48 states "*Prepare local design codes based on community input and empirical evidence of what is popular and characteristic in the local area*". The Council would be keen to understand how data will inform this. It appears this evidence will be informed by community input. This raises questions regarding how and at what point in the process to get the community involved effectively; especially given the importance of ensuring designs only have weight in the planning process if they can demonstrate that community input has been secured.

11.2 It is accepted that there have been many years of housebuilders building the same style houses, which are not necessarily representative of the local area however the Council raises concerns that this level of uncharacteristic building could inform the 'new character'.

11.3 The Council wishes to raise concern regarding how firmly the National Design Guide and upcoming National Model Design Code will feature in decision making, particularly when 'viability' features so heavily with regard to the obligations and requirements placed on developers.

11.4 With regard to responsibility for implementation, historically too much emphasis is placed at the door of planners for the failure to build and build beautiful. There needs to be some responsibility placed on developers, and measures should put in place to ensure they

deliver what the government envisions in this Paper in their design proposals, ahead of seeking advice from Planners or submitting Planning Applications, particularly if proposals are to be in line with Design Codes.

11.5 The suggestion that Applicants could bring forward design guides themselves for significant areas of new development is an interesting addition . The Council would be keen to understand how the Local Authority could control how the area looks if applicants can do this. Given that it should be accepted that some developers tend to follow a similar style and that this is one of the elements this White Paper is seeking to change, how can the Local Authority restrict Developers proposing their existing styles in Design Codes if they permitted to prepare these documents? The Council also questions how these Codes prepared by Developers would become binding and what the status the design guidance and codes may have. What would be their process for production and how would they gain endorsement? They need to have an appropriate status to ensure they are binding in decisions which would make their production a lengthy process given the need to consult, revise and potentially examined however if their status is more akin to an SPD their influence may be limited.

**12. To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

12.1 The Council considers that each Local Authority Planning Department is made up quite differently and it may be best for resources for each Local Authority to consider how best to prepare Design Codes it maybe simply that some expert input from Urban Designers is required rather than a Chief Officer role.

12.2 With respect to the expert body alluded to in the proposal. The Council suggests it is likely this will need to be heavily resourced, if given the proposals all Local Authorities are required to progress their Design Codes within the 30 month deadline alongside plan production. In addition it is queried how locally specific the advice will be, due to the varying nature and character of areas how is locally specific advice likely to be achieved. Will the advice come from a regional level body that can develop expertise and knowledge in the local towns and cities? Will there be a link or extension to the existing Design Review Panels or something similar to the West Midlands Combined Authority Design Review Charter.

**13. To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.**

13.1 The Council considers this is a useful point, but as Homes England will have varying levels of interest in different areas of the Country its not necessarily relevant to all authorities, for example in Redditch Homes England have not particularly promoted housebuilding, especially in Redditch where they have historic land holdings which have not been developed.

**14. We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

14.1 Page 52 states that masterplans and site-specific codes could be prepared by the LPA through the Local Plan. Although the principle of considering design early on in the process is to be encouraged, as expressed above Council has reservations about undertaking this work in conjunction with Plan preparation. If these codes are unable to be prepared alongside the Plan due to time restrictions or other factors, there will either be a delay in building or the housebuilders will likely submit plans that have no locally contextual design. There will then be no local evidence to reinforce changes to the design of the development suggested by the LPA.

14.2 The White Paper proposes a change regarding local orders being used to modify how the standard types of design apply in the local area, based on local evidence according to popular designs in the public opinion. The Council considers that further detail on how this evidence would be carried out in a comprehensive way should be given. If this evidence isn't carried out, there is a risk that many new developments across England would become indistinguishable. Additionally, whilst the public should have a say in the design of new development in their local area, traditionally this is not how the design of the built form has been decided. Instead, the local materials readily available, the style of the surrounding built environment and also the demands and character of the surrounding natural environment have all had a part in shaping design historically. Evidence relating to this would ideally need to be produced alongside evidence concerning public opinion, in order to produce beautiful developments that integrate successfully with the surrounding context.

14.3 The White Paper states that updates to the NPPF will “*make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.*” If an increased importance is placed on local design, surely compliance with local design guides should be a necessity to attaining permission?

14.4 In regards to the use of permitted development rights to pre-approve ‘popular and replicable designs’, the Council questions if this will foster innovation, as the White Paper suggests. Instead it seems like this would stymie innovation. If identical designs are the quickest and easiest way to develop, it would stand that housebuilders will submit these plans rather than putting thought into alternative designs, as this would not be time or cost-effective. Whilst fast-tracking beauty in development could be an effective way to incentivise developers to incorporate better design in their sites, in other ways it seems counter-productive to this goal as it has the possibility to lead to cutting corners and making identical places.

14.5 The use of modern methods of construction should be encouraged through the planning system as a solution to building high quality developments at speed. Perhaps this should be stated in National Policy/ Local Plans explicitly rather than expecting expansion of PD rights and pre-approved designs to automatically encourage their use?

14.6 Paragraph 3.20 states “*we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings... in a range of common development settings (such as semi-detached suburban development)*”. The Council wish for clarity on exactly what the ‘*limited set of form-based development types*’ would be and whether this is Permitted Development aimed at the development of garden land and gentle density or increasing height of buildings? Either way the Council would either have limited or no control, or would need to be specific about what could be achieved and where through pattern books and LDOs this would again increase workloads for the Local Authority. It is unclear from the proposals what timeframe this would need to be achieved by.

**15. We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

15.1 It is considered that further detail will be needed regarding marrying the changes proposed regarding the opportunities to strengthen the way environmental issues are considered with a simpler approach to assessing environmental impacts. The Council considers that protection of environmental assets should be paramount.

15.2 The Council queries how Government will decide which area are those areas “*where a reformed planning system can most effectively play a role in mitigating and adapting to climate change*” etc. will this be based on some form of evidence? What will the NPPF say regarding those areas which are not deemed to fit this criterion?

**16. We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

16.1 Further detail on how the environmental impact assessment will be sped up will be welcomed. It is accepted that the current SEA, SA and EIA processes are cumbersome and lack transparency, however it is imperative that in the interest of faster, the processes of assessment are still robust and habitats and species are protected.

16.2 The Council wishes to question what status the European Natura 2000 sites (SPAs, SACs) will have, post-Brexit?

16.3 The Council acknowledges and welcomes there will be further consultation in the autumn on these proposals.

**17. Conserving and enhancing our historic buildings and areas in the 21st century.**

17.1 The White Paper recognises the importance of heritage assets including listed buildings and conservation areas, and highlights that assets have continued to be protected as part of the Government’s planning reforms since 2010 (Pg 16). The main proposal in the White Paper is for local plans to identify three types of land; Growth areas, suitable for substantial development; Renewal areas, suitable for development; and areas that are protected (pg 28). Conservation areas would fall into this latter category.



17.2 It is noted that the existing planning system including statutory protection and the NPPF has worked well in terms of protecting heritage assets including listed buildings and conservation areas. The aim is to build on this.

17.3 It is proposed that local planning authorities will identify the location of all heritage assets including listed buildings, conservation areas and locally designated heritage assets, in addition to protected views in their local plans.

17.4 Redditch has a local list compiled in 2007 but recent planning applications have highlighted that the list needs to be reviewed and there are likely to be further additions. It is also unclear how the original list was derived and the nature of the original criteria. A robust set of criteria and process for inclusion should be devised.

17.5 Where they exist, conservation area appraisals identify important views, but more work across both districts will be required to identify important views particularly in respect of listed buildings. The setting of heritage assets, where it contributes to the significance of that asset, currently has a high degree of protection as a result of the 1990 Act (listed buildings) and the NPPF. It is assumed at this stage that this protection will continue when the planning framework is updated. Setting of heritage assets will have to be taken into account when 'Growth' and 'Renewal' areas are identified.

17.6 The proposed change towards enabling historical buildings to install energy efficiency measures by ensuring the planning consent framework is "sufficiently responsive to sympathetic changes" is welcomed by the Council, as long as there are acceptable control measures in place to protect the buildings from adverse effects. The Council acknowledges that there is a necessity for existing housing stock to be made more energy efficient. There are some concerns, however, regarding the structure and fabric of Listed Buildings: can it be adapted to house insulation and other energy efficient measures without harming the integrity and uniqueness of the asset? It is in cases like this where a 'catch all' policy would not be appropriate; each building should still be assessed individually in terms of suitability for changes such as these.

17.7 The suggestion on page 59 regarding exploring if experienced architectural specialists have earned enough autonomy from routine listed building consents to bypass the conservation officer is potentially worrying, as taking control away from LAs and giving it to architects seems contradictory to the purpose of planning and conservation departments. Additionally, it is considered that there is no such thing as "routine" listed building consent, and to suggest otherwise would be to stop considering listed buildings as the individual assets that they are.

17.8 Finally it is suggested in the White Paper that to assist local planning authorities in concentrating on conserving and enhancing the more important historic buildings, architectural specialists may be given more autonomy in respect of routine consents. This has been suggested in the past but the concern is how objective these ‘architectural specialists’ might be when it is their client paying their bill. The gradual loss of small details on historic buildings can in the long run have a major cumulative impact on the significance of the asset.

**18. To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

18.1 The Council believes that strong commitments in the Future Homes Standard are required if targets are to be met and real improvements towards slowing the impacts of climate change are to be made.

18.2 For a matter of the importance of the role that LPAs can play in setting energy efficiency standards, new standards should be imposed at a national level in the new National Design Guide. Currently local standards require justification and plan viability testing, and in some cases financial viability stands in the way of locally imposed standards being implemented. If other matters are being taken out of the Local Planning Authority’s control, it would be productive at the same time for a standard of this importance to be implemented nationally also.

**Pillar Three: Planning for infrastructure and connected places**

**19. The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

19.1 The Council support the need for a streamlined mechanism for securing developer contributions, and in particular the need to capture uplifts in land value, in order to help fund vital infrastructure required to support new development.

19.2 Within the proposal for a new Infrastructure Levy (IL), we do however have concerns with the idea of a national rate, or indeed area specific rates set nationally. This proposal would appear to be too simplistic to cater for the differences in land and development values across the country, or even within regions such as the West Midlands. Therefore there is the prospect of extremely low rates being set in areas of marginal development viability, which consequently generate little levy income for the funding of essential infrastructure. It would seem prudent in such an example that the system of S106 developer contributions was retained, in order that any large development sites with a need for significant infrastructure delivery to mitigate the impact of the development could provide specific S106 contributions to top up the likely low level of infrastructure levy receipts. This twin track approach would be akin to that proposed through the Local Infrastructure Tariff (LIT) in the 2017 CIL Review.

19.3 The proposal further states that the IL would be charged on the final value of a development and payable on occupation of development. There is concern that if a local authority is to borrow against future IL revenue, then the uncertainty of final development values or any unforeseen delays to payment of the levy would leave local authorities in a compromised position with regards to the funding and thus timely delivery of infrastructure to support new development as soon as it is completed. There is also some concern over the practical considerations of collecting payment of the levy if payable on completion of development, rather than at the point of securing planning permission as is the case with the current system.

## **20. The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights**

20.1 As PD rights have expanded in recent years to allow for more significant conversion from one land use to another, in particular to allow more residential development, it would seem sensible that the potential impacts of such developments in the future can be mitigated through levy receipts, which offer an opportunity for investment in essential infrastructure. We would therefore support the proposal that the IL is extended to include change of use through PD rights.

20.2 However this will require submission of a sufficient level of detail on the development proposal from the developer or applicant to the local authority, to enable the correct levy to be calculated based on the relevant amount of floorspace being converted or developed.

## **21. The reformed Infrastructure Levy should deliver affordable housing provision**

21.1 We note the comment under this proposal that the reformed approach should continue to deliver on-site affordable housing to at least the present levels and we would strongly agree with this. However where there is an affordable housing need demonstrated for a local authority, it is important that provision of affordable housing as an in kind delivery of the IL does not detract from the IL funding available for other infrastructure provision to support the delivery of new housing development.

## **22. More freedom could be given to local authorities over how they spend the Infrastructure Levy**

22.1 The proposed retention of the 'neighbourhood share' applies to parished areas where a neighbourhood plan is in place ('made'), rather than all local communities or parishes regardless. It will be important that local planning authorities have the resource to potentially manage a higher level of neighbourhood planning in their local authority, if local communities now see neighbourhood planning as a more attractive option to secure funding from the new IL. Furthermore, division of IL receipts between a local authority and parish / NP areas presents a risk of more disparate, smaller infrastructure projects being sought rather than investment in larger, more costly schemes.

22.2 Whilst the principle of local authorities being able to fund service provision through IL receipts is welcomed, in areas of high development needs it is unlikely that there would be sufficient receipts to invest in service provision once the high cost of certain infrastructure provision, for example costly transport infrastructure to mitigate the impact of a substantial new residential development, is taken into consideration.

**23. As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.**

23.1 Implementing a new planning system requires resources. Local Planning Authorities need to be properly funded and resources available. External training has reduced significantly due to budgets being cut for LA's.

**24. We will seek to strengthen enforcement powers and sanctions.**

Proposals are particularly weak with little substance and unfortunately the opportunity has not been taken to make enforcement powers more robust. Although the recognition that enforcement is an overlooked part of the service was welcomed.